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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Report of the Third Committee*

Rapporteur: Mr. Abdulla Eid Salman **Al-Sulaiti** (Qatar)

I. Introduction

1. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-eighth session, under the item entitled "Human rights questions", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item at its 16th, 37th to 48th, 52nd, 54th, 55th, 61st and 62nd meetings, on 17 October, from 10 to 14 November and on 17, 20, 21 and 24 November and 1 December 2003. At its 37th to 48th meetings, the Committee held a general discussion on sub-item 117 (c) jointly with sub-items (b) and (e). An account of the Committee's discussion is contained in the relevant summary records (A/C.3/58/SR.16, 37-48, 52, 54, 55, 61 and 62).

3. For the documents before the Committee under this sub-item, see A/58/508.

4. At its 16th meeting, on 17 October, the Committee considered a proposal to invite the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 to address the Third Committee.

5. At the same meeting, the Chairman made a statement. The Secretary of the Committee read out a statement on the programme budget implications of the proposal (see A/C.3/58/SR.16).

* The report of the Committee on this item will be issued in six parts, under the symbol A/58/508 and Add.1-5.

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6. Also at the same meeting, the Committee adopted the proposal by a recorded vote of 140 to 2, with 1 abstention. The voting was as follows:

In favour:

Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mexico, Monaco, Morocco, Mozambique, Myanmar, Namibia, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia.

7. Before the vote on the proposal, statements were made by the representatives of the United States of America, Malaysia and Pakistan; after the vote, statements were made by the representatives of the Syrian Arab Republic and Cuba (see A/C.3/58/SR.16).

8. At the 38th meeting, on 10 November, the Special Representative of the Secretary-General for human rights in Cambodia made an introductory statement. The Committee engaged in a dialogue with the Special Representative, in which the representatives of Cambodia and Italy (on behalf of the States Members of the United Nations that are members of the European Union) took part (see A/C.3/58/SR.38).

9. At the same meeting the Special Rapporteur of the Commission on Human Rights on the human rights of migrants made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union), Canada, Mexico and Burkina Faso took part (see A/C.3/58/SR.38).

10. At the 39th meeting, on 11 November, the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union), Pakistan, Switzerland, New Zealand, the Islamic Republic of Iran and China took part (see A/C.3/58/SR.39).

11. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland, Kenya, Canada and the Russian Federation took part (see A/C.3/58/SR.39).

12. Also at the same meeting, the Special Representative of the Secretary-General on internally displaced persons made an introductory statement. The Committee engaged in a dialogue with the Special Representative, in which the delegations of the Sudan, Mexico, Switzerland, Italy (on behalf of the States Members of the United Nations that are members of the European Union), Azerbaijan, Norway, Japan and Armenia took part (see A/C.3/58/SR.39).

13. At the 40th meeting, on 11 November, the Special Rapporteur of the Commission on Human Rights on the right to food made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Italy, Israel, Egypt, Liechtenstein, Tunisia, Canada and the United States of America, as well as the Observer for Palestine, took part (see A/C.3/58/SR.40).

14. At the 41st meeting, on 12 November, the Special Rapporteur of the Commission on Human Rights on the right of everyone to enjoy the highest attainable standard of physical and mental health made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Switzerland, Brazil and Italy (on behalf of the States Members of the United Nations that are members of the European Union) took part (see A/C.3/58/SR.41).

15. At the same meeting the Special Rapporteur of the Commission on Human Rights on the human rights situation in Myanmar made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Myanmar, the United States of America, China, the Republic of Korea, the Syrian Arab Republic and the United Republic of Tanzania took part (see A/C.3/58/SR.41).

16. Also at the same meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Burundi and Italy (on behalf of the States Members of the United Nations that are members of the European Union) took part (see A/C.3/58/SR.41).

17. Also at the 41st meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo

made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of the Democratic Republic of the Congo and Italy (on behalf of the States Members of the United Nations that are members of the European Union) took part (see A/C.3/58/SR.41).

18. At the 42nd meeting, on 12 November, the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in Iraq and on the situation of human rights in the Palestinian territories occupied by Israel since 1967 made introductory statements. The Committee engaged in a dialogue with the Special Rapporteurs, in which the representatives of Israel, the Syrian Arab Republic, Switzerland, Turkey, the United States of America, Kuwait, Italy, Iraq, Egypt and Yemen took part; the observer for Palestine also made a statement (see A/C.3/58/SR.42).

19. At the 43rd meeting, on 13 November, the Special Representative of the Secretary-General on human rights defenders made an introductory statement. The Committee engaged in a dialogue with the Special Representative, in which the delegations of Italy, Cuba, Norway, Switzerland and Indonesia took part (see A/C.3/58/SR.43).

20. At the same meeting, the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences made an introductory statement. The Committee engaged in a dialogue with the Special Rapporteur, in which the representatives of Italy (on behalf of the States Members of the United Nations that are members of the European Union), Afghanistan, Canada, Liechtenstein and the Islamic Republic of Iran took part (see A/C.3/58/SR.43).

II. Consideration of proposals

A. Draft resolution A/C.3/58/L.67

21. At the 54th meeting, on 21 November, the representative of Italy, on behalf of Albania, Austria, Belgium, Bulgaria, the Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Turkmenistan" (A/C.3/58/L.67). Subsequently, Canada, Japan, Liechtenstein, Romania and Switzerland joined in sponsoring the draft resolution.

22. At the same meeting, the representative of Italy orally revised the draft resolution by replacing subparagraph (d) of the operative paragraph, which read:

> "(d) To grant to the International Committee of the Red Cross as well as lawyers and relatives immediate access to detained persons",

with the following:

> "(d) To grant immediate access by independent bodies, including the International Committee of the Red Cross, as well as lawyers and relatives, to detained persons".

23. At its 55th meeting, on 24 November, the Committee adopted draft resolution A/C.3/58/L.67, as orally revised, by a recorded vote of 72 to 37, with 53 abstentions (see para. 57, draft resolution I). The voting was as follows:[1]

In favour:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Azerbaijan, Bahrain, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Cuba, Democratic People's Republic of Korea, Egypt, Georgia, India, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Morocco, Myanmar, Niger, Oman, Pakistan, Qatar, Republic of Moldova, Saudi Arabia, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, Ukraine, United Arab Emirates, Viet Nam, Zimbabwe.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Gabon, Ghana, Grenada, Guyana, Haiti, Jamaica, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Namibia, Nepal, Nigeria, Papua New Guinea, Philippines, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, Suriname, Thailand, Togo, Trinidad and Tobago, Uganda, United Republic of Tanzania, Venezuela, Zambia.

24. Before the adoption of the draft resolution, statements were made by the representatives of Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference), Turkmenistan, China and Cuba (see A/C.3/58/SR.55).

B. Draft resolution A/C.3/58/L.68/Rev.1

25. At the 54th meeting, on 21 November, the representative of Italy, on behalf of Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal,

[1] The delegation of Cape Verde subsequently informed the Committee that it had intended to abstain.

the Republic of Korea, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/58/L.68/Rev.1). Subsequently, Albania, Andorra, Estonia, Iceland, Latvia, Malta and Romania joined in sponsoring the draft resolution.

26. At the same meeting, the representative of Myanmar made a statement (see A/C.3/58/SR.54).

27. Also at the same meeting, the representative of Italy orally revised the draft resolution as follows:

(a) At the end of operative paragraph 4 (a), the words "and its consequences for the human rights situation in Myanmar" were deleted;

(b) In operative paragraph 7 (a), the words "as well as all relevant parties" were replaced by the words "including all relevant parties", and the words "in Myanmar" were added at the end of the subparagraph;

(c) Operative paragraph 8, which read:

"8. *Notes* that the international community, guided by the present and other resolutions, will, following positive developments in the country, comprehensively support the process of national reconciliation and restoration of democracy in Myanmar",

was deleted;

(d) Operative paragraph 9, which read:

"9. *Notes also* that the Secretary-General may wish to explore further courses of action within his competence which would promote improvement in the overall situation in Myanmar, and that to this end he may wish to consult with the international community and the Government of Myanmar",

was deleted and the remaining paragraph was renumbered accordingly.

28. At its 61st meeting, on 1 December, the Committee had before it a statement of the programme budget implications of draft resolution A/C.3/58/L.68/Rev.1, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/58/L.82).

29. At the same meeting, the Committee adopted draft resolution A/C.3/58/L.68/Rev.1, as orally revised, without a vote (see para. 57, draft resolution II).

30. Before the adoption of the draft resolution, the representative of Myanmar made a statement; after the adoption, statements were made by the representatives of China, India, Thailand, Viet Nam, Nepal and Cuba (see A/C.3/58/SR.61).

C. Draft resolution A/C.3/58/L.69

31. At the 52nd meeting, on 20 November, the representative of Canada, on behalf of Andorra, Canada, the Czech Republic, Finland, Iceland, Ireland, Israel, Liechtenstein, Micronesia (Federated States of), the Netherlands, Portugal, Sweden and the United States of America, introduced a draft resolution entitled "Situation of

human rights in the Islamic Republic of Iran" (A/C.3/58/L.69). Subsequently, Austria, Denmark, Estonia, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Malta, Norway, Romania, Saint Kitts and Nevis, Spain, Tuvalu and the United Kingdom of Great Britain and Northern Ireland joined in sponsoring the draft resolution.

32. At the same meeting, the representative of Canada orally revised the draft resolution by inserting two new subparagraphs (f) and (g) in operative paragraph 1, reading:

"(f) The opening of human rights dialogues with a number of countries;

"(g) The efforts made by Parliament, in particular the Article 90 Commission, and by the Islamic Human Rights Commission to improve the situation of human rights in the Islamic Republic of Iran".

33. At the same meeting, the representative of Canada made a statement (see A/C.3/58/SR.54).

34. Also at the same meeting, the Committee adopted draft resolution A/C.3/58/L.69, as orally revised, by a recorded vote of 73 to 49, with 50 abstentions (see para. 57, draft resolution III). The voting was as follows:

In favour:

Albania, Andorra, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, Tuvalu, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Against:

Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Brunei Darussalam, China, Colombia, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Gabon, India, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Morocco, Myanmar, Niger, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Somalia, Sudan, Swaziland, Syrian Arab Republic, Tajikistan, Togo, Tunisia, Turkmenistan, Ukraine, Venezuela, Viet Nam, Zimbabwe.

Abstaining:

Antigua and Barbuda, Argentina, Bhutan, Bosnia and Herzegovina, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Cyprus, Djibouti, Eritrea, Ethiopia, Georgia, Ghana, Grenada, Guatemala, Guinea, Jamaica, Kazakhstan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Nepal, Nigeria, Republic of Korea, Rwanda, Saint Lucia, Saint

Vincent and the Grenadines, Sierra Leone, Singapore, South Africa, Sri Lanka, Switzerland, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Zambia.

35. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America, Pakistan (on behalf of the States Members of the United Nations that are members of the Organization of the Islamic Conference), China, the Sudan and the Islamic Republic of Iran; after the adoption, statements were made by the representatives of Brazil, Argentina, Cuba and Nepal (see A/C.3/58/SR.54).

D. Draft resolution A/C.3/58/L.79 and Rev.1

36. At the 55th meeting, on 24 November, the representative of Italy, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Situation of human rights in the Democratic Republic of the Congo" (A/C.3/58/L.79), which read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

"*Reaffirming* that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms,

"*Noting* that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

"*Recalling* resolutions on the subject, the most recent of which are its resolution 57/233 of 18 December 2002 and Commission on Human Rights resolution 2003/15 of 17 April 2003, as well as Security Council resolutions on the subject, the most recent of which is resolution 1493 (2003) of 28 July 2003,

"*Recalling also* its decision to request the Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances of the Commission to carry out a joint mission of investigation in the Democratic Republic of the Congo, while regretting that the security situation has not yet allowed such a mission,

"*Bearing in mind* Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

"*Bearing also in mind* Security Council resolution 1460 (2003) of 30 January 2003 on children and armed conflict, and the report of the Secretary-General of 10 November 2003 on children and armed conflict,

"*Welcoming* the Final Act of the inter-Congolese political negotiations signed in Sun City, South Africa, on 2 April 2003, and recalling also all ceasefire and peace agreements as well as disengagement plans,

"*Taking note* of the second special report of the Secretary-General of 27 May 2003 on the United Nations Organization Mission in the Democratic Republic of the Congo, the report of the Security Council mission to Central Africa, 7 to 16 June 2003, of 17 June 2003 and the reports of the United Nations High Commissioner for Human Rights of 13 February 2003 and on the events of 3 April 2003 in Drodro,

"*Deeply concerned* by the continuation of hostilities in the eastern part of the Democratic Republic of the Congo, particularly in North and South Kivu and Ituri, and by the grave violations of human rights and international humanitarian law that accompany them, as described in the above-mentioned reports,

"*Deploring* the impunity that characterizes much of the fighting and the accompanying human rights abuses and humanitarian crises in the eastern Democratic Republic of the Congo,

"1. *Welcomes*:

"(a) The promulgation by the Head of State on 4 April 2003 of the Constitution that is to govern the country throughout the transition, the swearing of allegiance to the new Constitution by President Joseph Kabila on 7 April 2003, the installation on 17 July 2003 of the Government of National Unity and Transition in the Democratic Republic of the Congo, the inauguration of the National Assembly and the Senate on 22 July 2003 and the installation of the five Transitional Institutions on 28 August 2003;

"(b) The signing on 18 March 2003 of a ceasefire agreement by the Governments of the Democratic Republic of the Congo and Uganda and six armed groups, which paved the way for the convening of the Ituri Pacification Commission from 4 to 14 April 2003 and the setting up of an interim administration in Ituri;

"(c) The ceasefire agreement signed in Dar es Salaam on 16 May 2003, and the signing on 19 June 2003 of the Bujumbura Commitment by the Government of the Democratic Republic of the Congo, the Congolese Rally for Democracy and the Congolese Rally for Democracy-Liberation Movement;

"(d) The abolition of the Military Order Court;

"(e) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and her visit to the country from 26 February to 10 March and from 26 August to 6 September 2003;

"(f) The visit by the United Nations High Commissioner for Human Rights to the Democratic Republic of the Congo from 12 to 15 January 2003 and the action taken by his Office in the country;

"(g) The consultations between the Secretary-General and the United Nations High Commissioner for Human Rights on ways of dealing with the problem of impunity in the Democratic Republic of the Congo, and takes note of the High Commissioner's proposal to establish an international body of inquiry to investigate serious violations of human rights and international humanitarian law;

"(h) The extension of the mandate, the continuing presence and the increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Ceasefire Agreement signed at Lusaka, the peace agreements signed at Pretoria and Luanda and the relevant Security Council resolutions;

"(i) The collaboration between the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights on the establishment of national institutions and infrastructures to protect human rights as well as transitional justice mechanisms;

"(j) The work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Chief of the United Nations Organization Mission in the Democratic Republic of the Congo;

"2. *Condemns*:

"(a) The continuing violations of human rights, fundamental freedoms and international humanitarian law in the Democratic Republic of the Congo, particularly in Ituri, Kivu and other regions in the east of the country;

"(b) The persistence, in the east of the country, of the armed violence and reprisals against the civilian population in the territories controlled by ex-rebel groups which now form part of the transitional government;

"(c) All the massacres that have occurred in the province of Ituri, particularly the massacres at Drodro, and most recently on 6 October 2003 in Katchele, while supporting the efforts of the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights to investigate them;

"(d) The reported perpetration of acts of mutilation and cannibalism in the Mambasa region by forces of the Congolese Liberation Movement, the Congolese Rally for Democracy-National and the Union of Congolese Patriots;

"(e) The cases of summary or arbitrary execution, disappearance, torture, harassment, unlawful arrest, widespread persecution and arbitrary detention for long periods;

"(f) The widespread recourse to sexual violence against women and children, inter alia, as a means of warfare;

"(g) The continuing recruitment and use of child soldiers by armed forces and groups in the territory of the Democratic Republic of the Congo, which are contrary to international law;

"(h) The impunity of those responsible for violations of human rights and international humanitarian law, and points out in this connection that the

Democratic Republic of the Congo is a party to the Rome Statute of the International Criminal Court;

"(i) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of the conflict;

"3. *Expresses its concern* regarding:

"(a) The breaches of freedom of expression, opinion, association and assembly and the attacks on human rights defenders throughout the territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

"(b) The continued suspension of the moratorium on the carrying out of the death penalty, in particular the death sentences passed on 7 January 2003 by the Military Order which had tried the persons accused of assassinating the former President of the Republic;

"(c) The excessive accumulation and spread of small arms and the distribution, circulation and illicit trafficking of arms in the region and their negative impact on human rights;

"(d) The increase in the number of refugees and displaced persons, in particular in the eastern part of the country;

"(e) The continued insecurity, particularly in the east of the country in the zones held by armed groups, which seriously hampers the efforts of humanitarian organizations to gain access to people affected by the worrying humanitarian situation;

"4. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

"(a) To cease, immediately, all military activities, including support for the armed groups allied to them, in order to facilitate, without delay, the re-establishment of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

"(b) To implement the Bujumbura Commitment of 19 June 2003 immediately and unconditionally;

"(c) To implement the Dar es Salaam Agreement of 16 May 2003 fully and without delay and to cooperate with the Ituri Pacification Commission in overseeing the settlement of the conflict in the north-east part of the Democratic Republic of the Congo;

"(d) To respect their obligations as regards the implementation of the Transitional Constitution;

"(e) To allow free and secure access to all areas so as to permit and support investigations of the presumed serious violations of human rights and international human rights law, with a view to bringing those responsible to justice, and to cooperate fully to that end with national and international human rights protection mechanisms to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo;

"(f) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of international law and the African Charter on the Rights and Welfare of the Child, with the understanding that under the Convention on the Rights of the Child and the Optional Protocol thereto on the involvement of children in armed conflict, persons under age eighteen are entitled to special protection, and to provide information without delay on measures taken to discontinue such practices;

"(g) To meet the special needs of women and girls in post-conflict reconstruction as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peace-building, as a matter of priority;

"(h) To implement all necessary measures to put an end to the widespread violations of human rights and to impunity, in particular with regard to the sexual violence against women and children;

"(i) To protect human rights and to respect international humanitarian law, in particular by ensuring the safety of all civilians, and to take and implement all necessary measures to create conditions for the voluntary return of all refugees and displaced persons;

"(j) To prevent conditions that might lead to flows of displaced persons in the territories of the Democratic Republic of the Congo and across its borders and to take and apply all necessary measures to establish conditions conducive to the voluntary return of refugees and displaced persons;

"5. *Urges* the Government of National Unity and Transition to ensure that the protection of human rights and the establishment of a State based on the rule of law and of an independent judiciary are among its highest priorities, including the establishment of the necessary institutions as reflected in the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed at Pretoria on 17 December 2002;

"6. *Calls upon* the Government of National Unity and Transition to take specific measures:

"(a) To strengthen the transitional institutions and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

"(b) To achieve the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels enabling the establishment of a democratic constitutional regime, and the formation of a restructured and integrated national army;

"(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo;

"(d) To carry on a comprehensive reform of the judicial system;

"(e) To reinstate the moratorium on capital punishment and adhere to its commitment to progressively abolish the death penalty;

"(f) To put an end to impunity and to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process;

"(g) To cooperate with the International Criminal Court and to continue to cooperate with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994;

"7. *Calls upon* the United Nations High Commissioner for Human Rights to keep it informed of the consultations between his/her Office and the Secretary-General concerning the ways in which to assist the transitional government of the Democratic Republic of the Congo in tackling the problem of impunity;

"8. *Calls upon* the international community:

"(a) To support the human rights field office in the Democratic Republic of the Congo in order to make possible the effective implementation of its programmes;

"(b) To support the organization, at the appropriate time and under the aegis of the United Nations and the African Union, of an international conference on peace, security, democracy and development in the Great Lakes region of Africa, with the participation of all the Governments of the region and all other parties concerned, and to support the introduction of human rights and humanitarian issues as one of the main themes of this conference;

"9. *Requests*:

"(a) The Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances of the Commission to carry out a mission of investigation in the Democratic Republic of the Congo and to report to the Commission at its sixtieth session and to the General Assembly at its fifty-ninth session;

"(b) The Secretary-General to give the Special Rapporteurs and the joint mission all necessary assistance to enable them to discharge their mandate fully;

"(c) The United Nations High Commissioner for Human Rights to provide the technical skills needed by the joint mission to discharge its mandate;

"(d) The Secretary-General to encourage the United Nations Organization Mission in the Democratic Republic of the Congo to continue to raise the awareness of and provide training to all mission staff, including civilian police and military personnel, with respect to the relevant child

protection standards, in particular when dealing with child soldiers, and to cooperate closely with the Special Representative of the Secretary-General for Children and Armed Conflict;

"(e) The Secretary-General to encourage the United Nations Organization Mission in the Democratic Republic of the Congo to continue to actively address the issues of gender, the full enjoyment of all human rights by women and the fight to eliminate violence against women and to provide adequate training to all Mission personnel in this regard;

"10. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo and to request the Special Rapporteur to report to the General Assembly at its fifty-ninth session."

37. At the same meeting, statements were made by the representatives of Egypt (on behalf also of China, Dominica, Kuwait, Malaysia, Myanmar, Nigeria, Saudi Arabia, Singapore, Swaziland and the United Arab Emirates), Singapore, Pakistan, Nigeria and the Islamic Republic of Iran (see A/C.3/58/SR.55).

38. At its 61st meeting, on 1 December, the Committee had before it a revised draft resolution (A/C.3/58/L.79/Rev.1), submitted by the sponsors of draft resolution A/C.3/58/L.79 and Switzerland.

39. At the same meeting, the Secretary of the Committee read out a statement regarding programme budget implications arising from the draft resolution (see A/C.3/58/SR.61).

40. Also at the 61st meeting, at the request of the representative of Uganda, the Committee voted separately on the fourth preambular paragraph of the draft resolution.

41. The Committee retained the fourth preambular paragraph by a recorded vote of 82 to 4, with 75 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sudan, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Guinea-Bissau, Myanmar, Rwanda, Uganda.

Abstaining:

Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Guyana, Haiti, India, Indonesia, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Zambia, Zimbabwe.

42. At the same meeting, at the request of the representative of Egypt (also on behalf of China, Dominica, Kuwait, Malaysia, Myanmar, Saudi Arabia, Singapore, Swaziland, the Sudan, Nigeria and the United Arab Emirates), the Committee voted separately on operative paragraphs 3 (b) and 6 (e) of the draft resolution.

43. The Committee retained operative paragraphs 3 (b) and 6 (e) by a recorded vote of 73 to 50, with 35 abstentions. The voting was as follows:

In favour:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against:

Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Benin, Brunei Darussalam, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Eritrea, Ethiopia, Gambia, Guyana, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kuwait, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, United States of America, Zimbabwe.

Abstaining:

Algeria, Azerbaijan, Belarus, Bhutan, Botswana, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Djibouti, El Salvador, Fiji, Ghana, Haiti, Kazakhstan, Kenya, Lebanon, Madagascar,

Malawi, Mali, Morocco, Namibia, Niger, Philippines, Russian Federation, South Africa, Tajikistan, Thailand, Togo, Tunisia, Uganda, Zambia.

44. Before the vote on operative paragraphs 3 (b) and 6 (e), statements were made by the representatives of Egypt, Italy, Lebanon, Pakistan, Qatar and Singapore (see A/C.3/58/SR.61).

45. Also at the 61st meeting, the representative of the United States of America orally proposed an amendment to the draft resolution, by which operative paragraph 6 (g) would read:

"To comply with its treaty obligations and to continue to cooperate with the International Tribunal for Rwanda".

46. The Committee rejected the amendment by a recorded vote of 93 to 2, with 55 abstentions. The voting was as follows:

In favour:

Micronesia (Federated States of), United States of America.

Against:

Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Mauritius, Mexico, Monaco, Namibia, Nauru, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Zambia, Zimbabwe.

Abstaining:

Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Congo, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, Guyana, Haiti, India, Indonesia, Israel, Jamaica, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mauritania, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Uganda, United Arab Emirates.

47. After the votes on the fourth preambular paragraph and operative paragraphs 3 (b) and 6 (e), the Chairman invited the Committee to vote on the draft resolution as a whole, in accordance with rule 129 of the rules of procedure of the General Assembly.

48. The Committee engaged in a procedural debate, during which the representatives of Liechtenstein, Chile, Brazil, Italy, Switzerland, the Sudan, Guatemala and Egypt made statements (see A/C.3/58/SR.61).

49. The Chairman confirmed that rule 129 was clear: after a vote on a separate paragraph of a draft resolution, the draft resolution as a whole is put to the vote; there is no need for a specific request from any delegation for a vote on the text as a whole.

50. The representative of Liechtenstein formally challenged the ruling of the Chairman. The Committee proceeded to vote on the appeal against the ruling of the Chair. The ruling of the Chair was upheld as the appeal was rejected by 82 votes to 70. The voting was as follows:

In favour:

Albania, Andorra, Argentina, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Peru, Qatar, Republic of Moldova, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

None.

51. At its 61st meeting, the Committee adopted draft resolution A/C.3/58/L.79/Rev.1, as a whole, by a recorded vote of 74 to 3, with 85 abstentions (see para. 57, draft resolution IV). The voting was as follows:

In favour:

Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia,

Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against:

Belarus, Rwanda, Uganda.

Abstaining:

Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Fiji, Gabon, Ghana, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Republic of Tanzania, Zambia, Zimbabwe.

52. Before the vote, statements were made by the representatives of the Democratic Republic of the Congo, Rwanda and Uganda; after the vote, statements were made by the representatives of the Democratic Republic of the Congo, the United States of America, the Bahamas, Myanmar and Belarus (see A/C.3/58/SR.61).

53. Statements on procedure were made by the representatives of New Zealand, Australia, the Gambia, Switzerland, Nigeria, Mali, Egypt, the Niger, Italy, Liechtenstein, Malaysia, Lesotho, Senegal, Chile, Iceland, Benin, the United States of America, the Sudan, Norway, Brazil, Pakistan, San Marino, Andorra, the Syrian Arab Republic, Rwanda, Jordan, Fiji and Saudi Arabia (see A/C.3/58/SR.61).

54. The representative of Rwanda also made a statement (see A/C.3/58/SR.61).

E. Draft decision proposed by the Chairman

55. At its 62nd meeting, on 1 December, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following documents (see para. 58):

(a) Note by the Secretary-General on the human rights situation of the Lebanese detainees in Israel (A/58/218);

(b) Note by the Secretary-General concerning the report of the independent expert on the situation of human rights in Afghanistan (A/58/334);

(c) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq (A/58/338);

(d) Note by the Secretary-General transmitting the report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone (A/58/379);

(e) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, on the situation of women and girls in Afghanistan (A/58/421);

(f) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Burundi (A/58/448).

56. At the same meeting, the representative of the United States of America made a statement (see A/C.3/58/SR.62).

III. Recommendations of the Third Committee

57. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Expressing its grave concern about the serious and continuing human rights violations occurring in Turkmenistan,

Recalling Commission on Human Rights resolution 2003/11 of 16 April 2003,[1]

Taking note of the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe, issued in March 2003,

Noting with appreciation the recent offer of the Government of Turkmenistan to invite a delegation of experts of the Office of the United Nations High Commissioner for Human Rights to provide technical assistance in the area of human rights as well as the recent visits of the Personal Envoy of the Chairman-in-Office of the Organization for Security and Cooperation in Europe for participating States in Central Asia and of the Organization's High Commissioner on National Minorities,

Calls upon the Government of Turkmenistan:

(a) To implement fully the measures set out in Commission on Human Rights resolution 2003/11[1] and to inform the Commission before its sixtieth session of the steps being taken in this regard;

(b) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe, to work constructively with the various institutions of the Organization and to facilitate further visits of the Personal Envoy of the Organization's Chairman-in-Office for participating States in Central Asia and of the Organization's High Commissioner on National Minorities;

(c) To develop a constructive dialogue with the Office of the United Nations High Commissioner for Human Rights and to cooperate fully with all the mechanisms of the Office;

(d) To grant immediate access by independent bodies, including the International Committee of the Red Cross, as well as lawyers and relatives, to detained persons.

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

Draft resolution II
Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Aware that Myanmar is a party to the Convention on the Rights of the Child,[3] the Convention on the Elimination of All Forms of Discrimination against Women,[4] the Convention on the Prevention and Punishment of the Crime of Genocide[5] and the Geneva Conventions of 12 August 1949 for the protection of victims of war,[6] as well as the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) and the Convention concerning Freedom of Association and Protection of the Right to Organize, 1948 (Convention No. 87), of the International Labour Organization,

Bearing in mind Security Council resolution 1460 (2003) of 30 January 2003 on children and armed conflict and the report of the Secretary-General pursuant thereto,[7]

Recalling its previous resolutions on the subject, the most recent of which is resolution 57/231 of 18 December 2002, those of the Commission on Human Rights, the most recent of which is resolution 2003/12 of 16 April 2003,[8] and resolution I adopted by the International Labour Conference at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

Affirming also that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 44/25, annex.
[4] Resolution 34/180, annex.
[5] Resolution 260 A (III).
[6] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[7] A/58/546-S/2003/1053.
[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

Taking note of the increasing awareness of the Government of Myanmar of the need to comprehensively address the production of opium in Myanmar,

Taking note of the road map for the transition to democracy announced by the Prime Minister of Myanmar on 30 August 2003,

1. *Welcomes*:

(a) The visits to Myanmar by the Special Envoy of the Secretary-General for Myanmar during the past year and the visits by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;

(b) Efforts by the international community, including support from countries in the region, to encourage the Government of Myanmar to resume its efforts towards national reconciliation and dialogue, pursuant to acknowledging the importance of strengthening democracy as a fundamental element of regional security;

(c) The report of the Secretary-General;[9]

(d) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;[10]

(e) The agreement, reached on 27 May 2003, on the Joint Government of the Union of Myanmar-International Labour Organization Plan of Action for the Elimination of Forced Labour Practices in Myanmar, including the agreement to an independent facilitator to assist possible victims of forced labour, while noting that the conditions for the implementation of the Plan of Action do not exist at present;

(f) The continued cooperation of the Government of Myanmar with the International Committee of the Red Cross;

2. *Expresses its grave concern* at:

(a) The events of 30 May 2003, the corresponding, subsequent and continuing violations of human rights, which constitute a serious setback for the human rights situation in the country, and the apparent involvement of the Government-affiliated Union Solidarity and Development Association in those events;

(b) The detention and the house arrest of Daw Aung San Suu Kyi and the persistent denial of her human rights and fundamental freedoms, including freedom of movement, as well as the continued detention of other senior leaders of the National League for Democracy;

(c) The closure of offices of the National League for Democracy throughout the country and the increased surveillance and imprisonment of members and supporters of the National League for Democracy and other political organizations, as well as the continuing detentions, including of prisoners whose sentences have expired;

(d) The systematic and consistent harassment and intimidation of members of the National League for Democracy by members of the Union Solidarity and Development Association;

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[9] A/58/325 and Add.1.

[10] See A/58/219.

(e) The lack of cooperation shown by the Government of Myanmar towards the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, in particular with regard to his proposal to visit ethnic nationality areas to investigate allegations of serious human rights violations;

3. *Expresses once again its grave concern* at:

(a) The ongoing systematic violation of human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, in particular:

(i) Extrajudicial killing; continuing use of torture; rape and other forms of sexual violence persistently carried out by members of the armed forces; unsatisfactory conditions of detention; forced relocation; wide disrespect for the rule of law and lack of independence of the judiciary; trafficking in persons; forced labour, including child labour; destruction of livelihoods and confiscation of land by the armed forces; and violations of the right to an adequate standard of living, including food, medical care and education;

(ii) Denial of freedom of expression, including freedom of the media, of association, of assembly and of movement;

(iii) Discrimination and persecution on the basis of religious or ethnic background suffered by persons belonging to ethnic minorities, women and children;

(b) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

4. *Calls upon* the Government of Myanmar:

(a) To initiate a full and independent inquiry, with international cooperation, into the Depayin incident of 30 May 2003;

(b) To immediately facilitate and cooperate fully with the proposed investigation by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar into charges of rape and other abuse of civilians carried out by members of the armed forces in Shan and other states, including unhindered access to the region, and to guarantee the safety of those cooperating with and covered by the investigation;

(c) To immediately secure the safe and unhindered access to all parts of Myanmar of the United Nations and international humanitarian organizations to ensure the provision of humanitarian assistance and to guarantee that it reaches the most vulnerable groups of the population;

(d) To pursue through dialogue and peaceful means an immediate end to conflict with all remaining ethnic groups with which ceasefire agreements have not yet been signed, and to live up to its obligations to improve the development and human rights situation in ceasefire areas;

(e) To take all necessary steps to pursue cooperation with the International Labour Organization, with a view to implementing fully the recommendations of the Commission of Enquiry established to examine the observance by Myanmar of the International Labour Organization Convention concerning Forced or Compulsory

Labour, and to create an environment in which the Joint Government of the Union of Myanmar-International Labour Organization Plan of Action for the Elimination of Forced Labour Practices in Myanmar, in particular the facilitator mechanism which it established, may be implemented in a credible manner;

5. *Strongly urges* the Government of Myanmar:

(a) To end the systematic violations of human rights in Myanmar and to ensure full respect for all human rights and fundamental freedoms;

(b) To immediately and unconditionally release Daw Aung San Suu Kyi, other leaders of the National League for Democracy and members of the National League for Democracy detained on or after 30 May 2003 and to allow them to play a full role in bringing about national reconciliation and the transition towards democracy;

(c) To immediately and unconditionally release all other political detainees;

(d) To immediately reverse all the other "temporary" measures imposed following the incident of 30 May 2003, including by reopening all the offices of the National League for Democracy throughout the country;

(e) To immediately lift all restraints on peaceful political activity and to fully guarantee freedom of expression, including freedom of the media, association and assembly;

(f) To put an end to impunity by investigating and bringing to justice any perpetrators of human rights violations, including members of the military and of the Union Solidarity and Development Association, and other government agents in all circumstances;

(g) To enhance cooperation with the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar in order to assess first-hand the situation after 30 May 2003, to bring the country towards a transition to civilian rule, to ensure that they are both granted full and free access to Myanmar and that all persons cooperating with them are not subjected to any form of intimidation, harassment or punishment and, while in Myanmar, to provide them with equal access to the leaders and members of all the country's political parties, including the National League for Democracy;

(h) To restore democracy and respect the results of the 1990 elections and to enter immediately into substantive and structured dialogue with Daw Aung San Suu Kyi and other leaders of the National League for Democracy towards democratization and national reconciliation and, at an early stage, to include other political leaders in those talks, including representatives of the ethnic groups;

(i) To elaborate the road map, which is still lacking in essential elements such as concrete timing and an adequate plan for the involvement of all political groups and ethnic nationalities, in a way that ensures that the process is transparent and inclusive;

6. *Once again urges* the Government of Myanmar, as stated in its resolution 57/231 and in Commission on Human Rights resolution 2003/12:

(a) To ensure the independence of the judiciary and due process of law;

(b) To consider as a matter of high priority becoming a party to those remaining international human rights instruments to which it is not already party, and to comply fully with its obligations under international human rights instruments;

(c) To put an immediate end to the recruitment and use of child soldiers, inter alia, by some armed ethnic groups and ensure their disarmament, demobilization and reintegration, to end systematic enforced displacement and provide protection and assistance to internally displaced persons, to allow safe and dignified voluntary return of refugees, and to carry out the appropriate action to fight the HIV/AIDS epidemic;

7. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar;

(b) To report to the General Assembly at its fifty-ninth session and to the Commission on Human Rights at its sixtieth session on the progress made in the implementation of the present resolution;

(c) To give all necessary assistance to enable his Special Envoy to implement the present resolution and, in the context of the facilitation role, to explore any and all possibilities for discharging fully and effectively his mandate;

(d) To continue to give all necessary assistance to the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar to enable him to discharge his mandate fully;

8. *Decides* to continue the consideration of this question at its fifty-ninth session.

Draft resolution III
Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 56/171 of 19 December 2001, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

Noting the commitment made by the Government of the Islamic Republic of Iran to strengthen respect for human rights in the country and to promote the rule of law,

1. *Welcomes*:

(a) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002;

(b) The visit of the Working Group on Arbitrary Detention of the Commission on Human Rights to the Islamic Republic of Iran in February 2003 and its subsequent report;[6]

(c) The visit of the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression to the Islamic Republic of Iran in November 2003 and the scheduled visit of the Working Group on Enforced Disappearances of the Commission in February 2004;

(d) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

(e) The efforts by the elected Government to foster the growth of civil society;

(f) The opening of human rights dialogues with a number of countries;

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] Resolution 44/25, annex.
[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.
[6] E/CN.4/2004/3/Add.2 and Corr.1.

(g) The efforts made by Parliament, in particular the Article 90 Commission, and by the Islamic Human Rights Commission to improve the situation of human rights in the Islamic Republic of Iran;

2. *Expresses its serious concern* at:

(a) The continuing violations of human rights in the Islamic Republic of Iran;

(b) The continuing deterioration of the situation with regard to freedom of opinion and expression, especially the increased persecution for the peaceful expression of political views, including arrest, detention without charge or trial; crackdowns by judiciary and security forces against journalists, parliamentarians, students, clerics and academics; and the harsh reactions to student demonstrations, including the imprisonment, mistreatment and use of university disciplinary committees against those who participate;

(c) The continuing executions in the absence of respect for internationally recognized safeguards, and in particular deplores public executions;

(d) The use of torture and other forms of cruel, inhuman and degrading punishment, in particular the practice of amputation and flogging;

(e) The continuing restrictions on free assembly and forcible dissolution of political parties;

(f) The failure to comply fully with international standards in the administration of justice, the absence of due process of law, the use of national security laws to deny the rights of the individual and the lack of respect for internationally recognized legal safeguards, inter alia, with respect to persons belonging to religious minorities;

(g) The systemic discrimination against women and girls in law and in practice and the refusal of the Guardian Council to take steps to address this systematic discrimination, noting in this context its refusal, in August 2003, to consider the proposal of the elected Parliament to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[7]

(h) The continuing discrimination against persons belonging to minorities, including against the Baha'is, Christians, Jews and Sunnis, including cases of arbitrary arrest and detention, the denial of free worship or publicly carrying out of communal affairs and the disregard of property rights;

(i) The continuing persecution and arbitrary sentencing to prison of human rights defenders, political opponents, religious dissenters and reformists;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To abide by its obligations freely undertaken under the International Covenants on Human Rights[2] and other international human rights instruments, including those relating to freedom of opinion and expression, the use of torture and other forms of cruel, inhuman and degrading treatment or punishment and the promotion and protection of the human rights of women and girls, and to continue its efforts to consolidate respect for human rights and the rule of law;

[7] Resolution 34/180, annex.

(b) To respond fully to the recommendations of the Working Group on Arbitrary Detention;

(c) To continue to cooperate with United Nations mechanisms, in particular with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Working Group on Enforced Disappearances, and to respond fully to their recommendations;

(d) To expedite judicial reform, to guarantee the dignity of the individual and to ensure the full application of due process of law and fair and transparent procedures by an independent and impartial judiciary, and in this context to ensure respect for the rights of the defence and the equity of verdicts in all instances, including for members of religious minority groups;

(e) To appoint an impartial prosecutor, noting the re-establishment, since December 2001, within the Islamic Republic of Iran of the Office of the Prosecutor General;

(f) To eliminate all forms of discrimination based on religious grounds or against persons belonging to minorities, including the Baha'is, Christians, Jews and Sunnis, and to address this matter in an open manner, with the full participation of the minorities themselves;

(g) To take all necessary measures to end amputation and public flogging and to vigorously pursue penitentiary reform;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, including the Special Rapporteur of the Commission on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to visit the Islamic Republic of Iran, and encourages the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to respond fully to their subsequent recommendations;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran, paying particular attention to further developments, including the situation of the Baha'is and other minority groups, at its fifty-ninth session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

Draft resolution IV
Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Recalling all its previous resolutions, as well as those of the Commission on Human Rights, on the situation of human rights in the Democratic Republic of the Congo,

Recalling also Security Council resolution 1493 (2003) of 28 July 2003,

Bearing in mind Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

Bearing also in mind Security Council resolution 1460 (2003) of 30 January 2003 on children and armed conflict, and the report of the Secretary-General of 10 November 2003 on children and armed conflict,[3]

Welcoming the Final Act of the inter-Congolese political negotiations signed in Sun City, South Africa, on 2 April 2003,

Taking note of the second special report of the Secretary-General of 27 May 2003 on the United Nations Organization Mission in the Democratic Republic of the Congo,[4] the report of the Security Council mission to Central Africa, 7 to 16 June 2003, of 17 June 2003[5] and the reports of the United Nations High Commissioner for Human Rights of 13 February 2003[6] and on the events of 3 April 2003 in Drodro,[7]

Deeply concerned about the continuation of hostilities in the eastern parts of the Democratic Republic of the Congo, particularly in North and South Kivu and Ituri, and the grave violations of human rights and international humanitarian law that accompany them, as described in the above-mentioned reports,

Deploring the impunity that characterizes much of the fighting and the accompanying human rights abuses and humanitarian crises in the eastern part of the Democratic Republic of the Congo,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/58/546-S/2003/1053.
[4] S/2003/566 and Corr.1.
[5] S/2003/653.
[6] See S/2003/216.
[7] S/2003/674, annex II.

1. *Welcomes*:

(a) The promulgation by the Head of State on 4 April 2003 of the Constitution that is to govern the country throughout the transition, the swearing of allegiance to the new Constitution by President Joseph Kabila on 7 April 2003, the installation on 17 July 2003 of the Government of National Unity and Transition in the Democratic Republic of the Congo, the inauguration of the National Assembly and the Senate on 22 July 2003 and the installation of the five Transitional Institutions on 28 August 2003;

(b) The signing on 18 March 2003 of a ceasefire agreement by the Governments of the Democratic Republic of the Congo and Uganda and six armed groups, which paved the way for the convening of the Ituri Pacification Commission from 4 to 14 April 2003 and the setting up of an interim administration in Ituri;

(c) The ceasefire agreement signed in Dar es Salaam on 16 May 2003, and the signing on 19 June 2003 of the Bujumbura Commitment by the Government of the Democratic Republic of the Congo, the Congolese Rally for Democracy-Goma and the Congolese Rally for Democracy-Liberation Movement;

(d) The abolition of the Military Order Court;

(e) The interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo[8] and her visit to the country from 26 February to 10 March and from 26 August to 6 September 2003;

(f) The visit by the United Nations High Commissioner for Human Rights to the Democratic Republic of the Congo from 12 to 15 January 2003 and the action taken by his Office in the country;

(g) The consultations between the Secretary-General and the United Nations High Commissioner for Human Rights on ways of dealing with the problem of impunity in the Democratic Republic of the Congo, and takes note of the High Commissioner's proposal to establish an international body of inquiry to investigate serious violations of human rights and international humanitarian law;

(h) The extension of the mandate, the continuing presence and the increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in accordance with Security Council resolution 1493 (2003) of 28 July 2003;

(i) The collaboration between the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights on the establishment of national institutions and infrastructures to protect human rights as well as transitional justice mechanisms;

(j) The work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Chief of the United Nations Organization Mission in the Democratic Republic of the Congo;

2. *Condemns*:

[8] See A/58/534.

(a) The continuing violations of human rights and international humanitarian law in the Democratic Republic of the Congo, particularly in Ituri, North and South Kivu and other areas in the eastern part of the country;

(b) The persistence, in the eastern part of the country, of the armed violence and reprisals against the civilian population, especially in North and South Kivu and in Ituri;

(c) All the massacres that have occurred in the province of Ituri, particularly the massacres at Drodro, and most recently on 6 October 2003 in Katchele, while supporting the efforts of the United Nations Organization Mission in the Democratic Republic of the Congo and the Office of the United Nations High Commissioner for Human Rights to investigate them;

(d) The reported perpetration of acts of mutilation and cannibalism in the Mambasa region;

(e) The cases of summary or arbitrary execution, disappearance, torture, harassment, unlawful arrest, widespread persecution and arbitrary detention for long periods;

(f) The widespread recourse to sexual violence against women and children, inter alia, as a means of warfare;

(g) The continuing recruitment and use of child soldiers by armed forces and groups, in particular in the eastern part of the Democratic Republic of the Congo, which are contrary to international law;

(h) The impunity of those responsible for violations of human rights and international humanitarian law, and points out in this connection that the Democratic Republic of the Congo is a party to the Rome Statute of the International Criminal Court;[9]

(i) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of the conflict;

3. *Expresses its concern* regarding:

(a) The breaches of freedom of expression, opinion, association and assembly and the attacks on human rights defenders throughout the territory of the Democratic Republic of the Congo, in particular in the eastern part of the country;

(b) The continued suspension of the moratorium on the carrying out of the death penalty, in particular the death sentences passed on 7 January 2003 by the Military Order Court which had tried the persons accused of assassinating the former President of the Republic;

(c) The excessive accumulation and spread of small arms and the distribution, circulation and illicit trafficking of arms in the region and their negative impact on human rights;

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[9] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*; vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5); sect. A.

(d) The increase in the number of refugees and internally displaced persons, in particular in the eastern part of the country;

(e) The continued insecurity, particularly in the east of the country in the zones still held by armed groups, which seriously hampers the efforts of humanitarian organizations to gain access to people affected by the worrying humanitarian situation;

4. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(a) To cease, immediately, all military activities, including support for the armed groups allied to them, in order to facilitate, the re-establishment of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(b) To implement fully and without delay both the Bujumbura Commitment of 19 June 2003 and the Dar es Salaam Agreement of 16 May 2003 and to cooperate with the Ituri Interim Administration in overseeing the settlement of the conflict in the north-eastern part of the Democratic Republic of the Congo;

(c) To continue to respect their obligations as regards the implementation of the Transitional Constitution;

(d) To allow free and secure access to all areas so as to permit and support investigations of the presumed serious violations of human rights and international humanitarian law, with a view to bringing those responsible to justice, and to cooperate fully to that end with national and international human rights protection mechanisms to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo;

(e) To put an immediate end to the recruitment and use of child soldiers, which are in contravention of international law and the African Charter on the Rights and Welfare of the Child, with the understanding that under the Convention on the Rights of the Child[10] and the Optional Protocol thereto on the involvement of children in armed conflict,[11] persons under the age of eighteen are entitled to special protection, and to provide information without delay on measures taken to discontinue such practices;

(f) To meet the special needs of women and girls in post-conflict reconstruction as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peace-building, as a matter of priority;

(g) To implement all necessary measures to put an end to the widespread violations of human rights and to impunity, in particular with regard to the sexual violence against women and children;

(h) To protect human rights and to respect international humanitarian law, in particular by ensuring the safety, security and freedom of movement of all civilians, as well as United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo;

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[10] Resolution 44/25, annex.

[11] Resolution 54/263, annex I.

(i) To prevent conditions that might lead to flows of refugees and displaced persons in the territory of the Democratic Republic of the Congo and across its borders and to take and apply all necessary measures to establish conditions conducive to the voluntary return of refugees and displaced persons;

5. *Urges* the Government of National Unity and Transition to ensure that the protection of human rights and the establishment of a State based on the rule of law and of an independent judiciary are among its highest priorities, including the establishment of the necessary institutions as reflected in the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed at Pretoria on 17 December 2002;

6. *Calls upon* the Government of National Unity and Transition to take specific measures:

(a) To achieve the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels enabling the establishment of a democratic constitutional regime, and the formation of a restructured and integrated national army;

(b) To strengthen the transitional institutions and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

(c) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights in the Democratic Republic of the Congo;

(d) To carry on a comprehensive reform of the judicial system;

(e) To reinstate the moratorium on capital punishment and adhere to its commitment to progressively abolish the death penalty;

(f) To put an end to impunity and to ensure that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with due process;

(g) To cooperate with the International Criminal Court and to continue to cooperate with the International Criminal Tribunal for Rwanda;

7. *Calls upon* the United Nations High Commissioner for Human Rights to keep it informed of the consultations between his/her Office and the Secretary-General concerning the ways in which to assist the transitional government of the Democratic Republic of the Congo in tackling the problem of impunity;

8. *Calls upon* the international community:

(a) To support the human rights field office in the Democratic Republic of the Congo in order to make possible the effective implementation of its programmes;

(b) To support the organization, at the appropriate time and under the aegis of the United Nations and the African Union, of an international conference on peace, security, democracy and development in the Great Lakes region of Africa,

with the participation of all the Governments of the region and all other parties concerned, and to support the introduction of human rights and humanitarian issues as one of the main themes of this conference;

9. *Requests*:

(a) The Special Rapporteurs of the Commission on Human Rights on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances of the Commission to carry out a mission of investigation in the Democratic Republic of the Congo and to report to the Commission at its sixtieth session and to the General Assembly at its fifty-ninth session;

(b) The Secretary-General to give the Special Rapporteurs and the joint mission all necessary assistance to enable them to discharge their mandate fully;

(c) The United Nations High Commissioner for Human Rights to provide the technical skills needed by the joint mission to discharge its mandate;

(d) The Secretary-General to encourage the United Nations Organization Mission in the Democratic Republic of the Congo to continue to raise the awareness of and provide training to all mission staff, including civilian police and military personnel, with respect to the relevant child protection standards, in particular when dealing with child soldiers, and to cooperate closely with the Special Representative of the Secretary-General for Children and Armed Conflict;

(e) The Secretary-General to encourage the United Nations Organization Mission in the Democratic Republic of the Congo to continue to actively address the issues of gender, the full enjoyment of all human rights by women and the fight to eliminate violence against women and to provide adequate training to all Mission personnel in this regard;

10. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-ninth session.

58. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with human rights situations and reports of special rapporteurs and representatives

The General Assembly takes note of the following documents:

(a) Note by the Secretary-General on the human rights situation of the Lebanese detainees in Israel;[1]

(b) Note by the Secretary-General regarding the report of the Independent Expert on the situation of human rights in Afghanistan;[2]

(c) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq;[3]

(d) Note by the Secretary-General transmitting the report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Sierra Leone;[4]

(e) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences on the situation of women and girls in Afghanistan;[5]

(f) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the human rights situation in Burundi.[6]

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[1] A/58/218.
[2] A/58/334.
[3] A/58/338.
[4] A/58/379.
[5] A/58/421.
[6] A/58/448.